
IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

<p>MICHAEL C. MARTIN,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>PINEAPPLE GREENHOUSE, INC.,</p> <p style="text-align: center;">Defendant.</p>	<p>REPORT AND RECOMMENDATION</p> <p style="text-align: center;">Case No. 2:18-cv-82-DB-BCW</p> <p style="text-align: center;">District Judge Dee Benson</p> <p style="text-align: center;">Magistrate Judge Brooke C. Wells</p>
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On March 23, 2018, District Judge Dee Benson referred this case to Magistrate Judge Brooke C. Wells pursuant to 28 U.S.C. § 636(b)(1)(B).¹ On March 3, 2018, the Court granted Michael C. Martin (“Plaintiff”) application for leave to proceed in forma pauperis and waived the prepayment of filing fees pursuant to 28 U.S.C. § 1915.² The Court recognizes that Plaintiff is proceeding pro se in this case, and as such, construes his pleadings liberally.³

Plaintiff filed this action against Pineapple Greenhouse, Inc. for employment discrimination by retaliation.⁴ Although Plaintiff provided a Notice of Suit Rights from the United States Equal Employment Opportunity Commission, he did not set forth any facts in

¹ Docket no. 7.

² Docket no. 3.

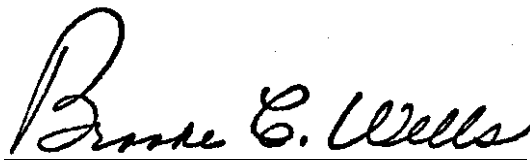
³ See, e.g., *Ledbetter v. City of Topeka*, 318 F.3d 1183, 1187 (10th Cir. 2003).

⁴ Docket no. 4.

support of his claim.⁵ Accordingly, on August 8, 2018, this Court issued an Order to Amend Deficient Complaint.⁶ The Court noted that Plaintiff's Complaint failed to state a claim and instructed Plaintiff to file an amended complaint within thirty days of the date of that Order.⁷ The Court further cautioned Plaintiff that failure to timely cure the deficiencies in his Complaint would result in a recommendation to Judge Benson that his case be dismissed.⁸

Plaintiff has failed to file an Amended Complaint as instructed by this Court, and the time for doing so has passed. Accordingly, and for the reasons set forth in the Order to Amend Deficient Complaint,⁹ this Court recommends that Plaintiff's action be dismissed for failure to state a claim on which relief may be granted.

DATED this 24 September 2018.

A handwritten signature in black ink, reading "Brooke C. Wells". The signature is written in a cursive, flowing style. The first name "Brooke" is written with a large, stylized 'B' that loops around the first few letters. The last name "Wells" is written in a more standard cursive. The signature is positioned above a horizontal line.

Brooke C. Wells
United States Magistrate Judge

⁵ *Id.*, Exhibit 1.

⁶ Docket no. 8.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*